

consider the impact of those rules on small businesses.¹⁰ With respect to floor brokers, this proposed regulation would impose no additional requirement for doing business as a floor broker since this class of commodity participant is already required to register with the Commission and would, in fact, ease the regulatory burden by eliminating the annual renewal requirement for registration. The Commission has previously determined that contract markets are not "small entities" within the RFA and, accordingly, the requirements of the RFA do not apply to those entities.¹¹ Accordingly, pursuant to section 3(a) of the RFA, 5 U.S.C. 605(b), the Chairman certifies that these proposed regulations will not have a significant economic impact on a substantial number of small entities.

B. Paperwork Reduction Act

The Commission has submitted pertinent portions of this rule to the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35).

List of Subjects in 17 CFR Part 3

Registration requirements, Conditional registration, Temporary licenses, Statutory disqualifications, Authority delegations, Fingerprinting, Associated persons, Floor brokers, Introducing brokers, Commodity trading advisors, Commodity pool operators, Futures commission merchants, Leverage transaction merchants, Petitions for review.

PART 3—REGISTRATION

1. The authority citation for Part 3 continues to read as follows:

Authority: Secs. 2(a)(1), 4, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4k, 4m, 4n, 4o, 4p, 6, 8, 8a, 14, 15, 17 and 19 of the Commodity Exchange Act, 7 U.S.C. 2 and 4, 6, 6b, 6c, 6d, 6e, 6f, 6g, 6h, 6i, 6k, 6m, 6n, 6o, 6p, 8, 9, 9a and 13b, 12, 12a, 18, 19, 21 and 23 (1982).

2. Section 3.2 is proposed to be amended by revising paragraph (d) to read as follows:

§ 3.2 Registration processing by the National Futures Association; notification and duration of registration.

(d) The registration of each leverage transaction merchant shall expire on the

¹⁰ The Commission has previously stated in its RFA policy statement that with respect to floor brokers, RFA determinations should be made in the context of rule proposals specifically affecting them. 47 FR 18618, 18620 (April 30, 1982).

¹¹ See 47 FR 18618.

thirty-first day of March following the date on which registration was granted.

3. Section 3.11 is proposed to be revised to read as follows:

§ 3.11 Registration of floor brokers.

(a) *Application for registration.* (1) Application for registration as a floor broker must be on Form 8-R, completed and filed with the National Futures Association in accordance with the instructions thereto. Each Form 8-R filed in accordance with this paragraph (a) must be accompanied by the fingerprints of the applicant on a fingerprint card provided for that purpose by the National Futures Association, except that a fingerprint card need not be filed by any applicant who has a current Form 8-R on file with the Commission or the National Futures Association.

(2) An applicant for registration as a floor broker will not be registered as such unless the applicant has been granted trading privileges by a board of trade designated as a contract market by the Commission.

(3) When the Commission or the National Futures Association determines that an applicant for registration as a floor broker is not disqualified from such registration, the National Futures Association will provide notification in writing to the applicant and to any contract market that the granted the applicant trading privileges that the applicant's registration as a floor broker is granted.

(b) *Duration of registration.* A person registered as a floor broker in accordance with paragraph (a) or (c) of this section, and whose registration has neither been suspended, revoked nor withdrawn, will continue to be so registered so long as such person has trading privileges on a contract market.

(c) *Special registration for certain persons.* Any person whose registration as a floor broker has terminated within the preceding sixty days and who is granted trading privileges by another contract market will be registered as, and in the capacity of, a floor broker upon mailing to the National Futures Association of a Form 8-R completed and filed in accordance with the instructions thereto, accompanied by the fingerprints of the floor broker on a fingerprint card provided by the National Futures Association for that purpose.

4. Section 3.31 is proposed to be amended by adding a new paragraph (d) to read as follows:

§ 3.31 Deficiencies, inaccuracies, and changes to be reported.

(d) Each contract market that has granted trading privileges to a person who is registered, or has applied for registration, as floor broker must file a notice with the National Futures Association on Form 8-T within twenty days after such person has ceased having trading privileges on such contract market.

Issued in Washington, DC, on July 11, 1986, by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 86-16074 Filed 7-16-86; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 357

[Docket No. 81N-0027]

Smoking Deterrent Drug Products for Over-the-Counter Human Use; Notice of Proposed Rulemaking; Extension of Time for New Data and Comments on the New Data

AGENCY: Food and Drug Administration.

ACTION: Notice of proposed rulemaking; extension of new data and comment periods.

SUMMARY: The Food and Drug Administration (FDA) is extending to September 3, 1986, the period for submission of new data to establish conditions under which over-the-counter (OTC) smoking deterrent drug products are generally recognized as safe and effective and not misbranded. The period for submission of comments on the new data will be extended to November 3, 1986. This action responds to a request to extend the period for the submission of new data.

DATES: New data by September 3, 1986. Comments on the new data by November 3, 1986.

ADDRESS: New data and written comments to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: William E. Gilbertson, Center for Drugs and Biologics (HFN-210), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8000.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 3, 1985 (50 FR 27552), FDA issued a notice of proposed rulemaking to establish conditions under

which smoking deterrent drug products for OTC human use are generally recognized as safe and effective and not misbranded. This notice of proposed rulemaking is part of the ongoing review of OTC drug products conducted by the agency. Interested persons were given until July 3, 1986, to submit new data and until September 3, 1986, to submit comments on the new data.

The investigators involved in a clinical study on an OTC smoking deterrent drug product informed the agency that, based on agency feedback on a proposed study protocol, the data collection phase of their study would not be completed by July 3, 1986, and, therefore, requested that the time period for the submission of new data be extended to September 3, 1986.

FDA has carefully considered the request and believes that the new data may be of assistance in establishing the conditions under which OTC smoking deterrent drug products are generally recognized as safe and effective and not misbranded and, therefore, an extension of the time period for submission of new data is in the public interest.

Accordingly, the period for submission of new data is extended to September 3, 1986, and, correspondingly, the period for comments on the new data is extended to November 3, 1986. New data and comments may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: July 10, 1986.

James W. Swanson,

Acting Associate Commissioner for
Regulatory Affairs.

[FR Doc. 86-16063 Filed 7-14-86; 10:46 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 773

Requirements for Surface Coal Mining and Reclamation Permit Approval; Ownership and Control

AGENCY: Office of Surface Mining
Reclamation and Enforcement, Interior.

ACTION: Notice of public hearing.

SUMMARY: The Office of Surface Mining Reclamation and Enforcement (OSMRE) of the United States Department of the Interior (DOI) published a proposed rule which would amend its regulations dealing with the permit approval provisions of section 510(c) of the Surface Mining Control and Reclamation

Act of 1977. The proposed rule would define the terms "ownership" and "control," and would expand the scope of the findings which regulatory authorities are required to make prior to permit approval. The comment period on the proposed rule has been extended to August 11, 1986. OSMRE will conduct a public hearing in Denver, Colorado on the proposed rule.

DATES: The public hearing is scheduled for July 29, 1986, at 10:00 a.m.

ADDRESS: The public hearing will be held at the following location: Office of Surface Mining, Western Technical Center, Large Conference Room, Brooks Towers, 1020 15th Street, Denver, Colorado.

FOR FURTHER INFORMATION CONTACT: Andrew F. DeVito, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 1951 Constitution Avenue, NW., Washington, DC 20240; Telephone: 202-343-5950 (Commercial or FTS).

SUPPLEMENTARY INFORMATION: OSMRE published a proposed rule which would amend its regulations dealing with the permit approval process by (1) adding definitions for the terms "ownership" and "control" as those concepts are used in the Surface Mining Control and Reclamation Act of 1977 (the Act), 30 U.S.C. 1201 *et seq.*, and (2) expanding the scope to the compliance findings which regulatory authorities are required to make prior to permit approval.

The proposed rule was published in the *Federal Register* on April 5, 1985 (50 FR 13724). On April 16, 1986 (51 FR 12879) a notice was published which reopened and extended the comment period to June 16, 1986. On June 25, 1986 (51 FR 23085) the comment period was further extended to August 11, 1986. In addition to extending the comment period, the April 16, 1986 notice contained examples illustrating how the "Ownership and Control" rule would be used in conjunction with OSMRE's computerized Applicant-Violator System. Those intending to comment on the proposed rule should read the April 16, 1986 notice in addition to the proposed rule published on April 5, 1985.

Public interest in the proposed rule has continued at very high level. OSMRE has received requests to hold a public hearing. As a result, OSMRE has scheduled a public hearing for July 29, 1986 at 10:00 A.M. at the Office of Surface Mining, Western Technical Center, Large Conference Room, Brooks Towers, 1020 15th Street, Denver, Colorado.

Dated: July 14, 1986.

Jed D. Christensen,
Director, Office of Surface Mining
Reclamation and Enforcement.

[FR Doc. 85-16132 Filed 7-16-85; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-9-FRL-3048-8]

Approval and Promulgation of Implementation Plans; Arizona, Particulate Copper Smelter Rule

AGENCY: Environmental Protection
Agency (EPA).

ACTION: Proposed rulemaking.

SUMMARY: This notice proposes to disapprove Arizona State Rule R9-3-515(B) which pertains to particulate matter emissions limitations for existing primary copper smelters. The rule was submitted to EPA on June 3, 1982 by the Arizona Department of Health Services as a revision to the Arizona State Implementation Plan (SIP). EPA is proposing to disapprove the rule because it is inconsistent with requirements of the Clean Air Act, 40 CFR Part 51, and EPA policy, in that it significantly relaxes the existing federally enforceable particulate emission limits for smelters.

DATE: Comments will be considered if they are submitted on or before September 2, 1986.

ADDRESSES: Send any comments to: Regional Administrator, Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, Attn: State Implementation Plan Section (A-2-3), Air Management Division.

Copies of the submitted rule and EPA's evaluation of the submitted rule are available for public inspection during normal business hours at EPA's San Francisco office.

Copies of the submitted rule are also available at the following location: Arizona Department of Health Services, 2005 North Central Avenue, Phoenix, AZ 85004.

FOR FURTHER INFORMATION CONTACT: John Ong, State Implementation Plan Section (A-2-3), Air Management Division, EPA, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974-7635; FTS: 454-7635.

SUPPLEMENTARY INFORMATION: